

REMARKS

Status of Claims:

Claims 1-17, 20-39 and 55-60 remain pending in this application.

Prior Art Rejections Under Sec. 103:

Claims 1-13 and 55-58 stand rejected under 35 U.S.C. § 103 as obvious over Barrera in view of Allen (US 204/0260722). Claims 14-17, 59 and 60 stand rejected under 35 U.S.C. § 103 as obvious over Barrera in view of Allen and Silen. Further, claims 20-39 stand rejected under 35 U.S.C. § 103 as obvious over Barrera in view of Allen, and Mackintosh.

Applicant respectfully traverses this rejection for at least the following reasons.

Applicant has amended independent claim 1 to recite:

1. (Currently Amended) A computer system for generating and dynamically updating a graphical index of a plurality of categories and sub-categories of content, each of the plurality of categories and sub-categories being associated with at least one of a plurality of content items, the computer system comprising:
 - a storage device;
 - a display device; and
 - a processor programmed to:
 - store a plurality of content items on the storage device;
 - associate each of the plurality of content items with at least one of a plurality of categories and sub-categories;
 - generate on the display device a graphical index of representations of each of the plurality of categories and sub-categories, each representation being selectable for displaying on the display device the content items associated with the selected category;
 - add content items to and delete content items from the storage device after generation of the graphical index;

modify content items stored on the storage device after generation of the graphical index; and

automatically, dynamically update the display of the graphic index of the associated content items in response to addition, deletion or modification of content items.

The underlined limitation emphasizes applicant's dynamic updating feature of the invention. This automatic updating of the graphic index eliminates the time consuming task of manually updating the graphic index with underlying changes in content. Thus, in dynamically updating the graphic index, new categories are automatically created or deleted depending upon the underlying category assignments of the content items.

No such corresponding teaching is found in the prior art references.

The primary reference of Barrera relates to a system and method for searching websites for content and displaying category-content searches to a user. Barrera does not provide a platform for the addition, deletion or modification of content and the dynamic updating of a display and *a fortiori* does not provide a teaching of automatically updating the graphic index associated with the displayed content items. Rather, Barrera retrieves content from websites through a network based on search criteria. As the search is narrowed, contents items not within the scope of the narrowed search are dropped from the display. The refreshed more narrow index of Barrera is not updated in response to the addition, deletion or modification of content items, but rather based on search parameters provided by the user. Thus, Barrera fails to teach or suggest at least that feature of the invention as underlined above in independent claims 1.

Independent claims 12 and 55 have been amended to contain similar limitations as those discussed above in connection with claim 1. As such these claims are likewise deemed to clearly distinguish applicant's invention from the teaching of Barrera.

Accordingly, independent claims 1, 12 and 55 are deemed to be patentable. Claims 2 and 4-11 depend, directly or indirectly, from claim 1, claim 13 depends directly from claim 12, and claims 56-58 depend, either directly or indirectly, from claim 55. Thus, claims 2, 4-11, 13 and

56-58 are deemed to be patentable for at least that reason, as well as additional patentable features when those claims are considered as a whole.

The inclusion of the Allen does not cure the deficiencies of Barrera. Allen is cited for teaching that data stored in databases is constantly changing. However, even granting this statement for the sake of argument, Allen does not provide a teaching of dynamically and automatically updating a graphic index of the contents items when these content items are added, deleted or modified. Thus again, the prior art is completely silent as to this important limitation of applicant's claim.

Further the inclusion of the Silen (cited for a teaching of bandwidth determination) and Mackintosh (cited for a teaching of first and second windows) do not supply the teachings missing from Barrera taken singly or in combination with Allen.

It is thus submitted that the PTO has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103, and thus all of applicants claims are patentable over the prior art.

Double Patenting Rejection:

It is believed that the double patenting rejection set forth in the prior office action (mailed 6-10-04) is no longer applicable and should be removed. Applicant notes extensive amendments made in the 09/906,024. These amendments taken in consideration with the amendments made hereto should make it clear that the double patenting rejection has no basis in fact and should be removed.

Conclusions:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date

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By

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